

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JEFFREY DESKOVIC,

Plaintiff,

vs.

CITY OF PEEKSKILL, PUTNAM COUNTY,
WESTCHESTER COUNTY, DAVID LEVINE,
THOMAS MCINTYRE, WALTER BROVARSKI,
EUGENE TUMOLO, JOHN AND JANE DOE
SUPERVISORS, DANIEL STEPHENS, LOUIS
ROH, MILLARD HYLAND, PETER INSERO, and
LEGAL AID SOCIETY OF WESTCHESTER
COUNTY,

Defendants.

No. CV-07-8150 (KMK)(GAY)

LINDA MCGARR,

Plaintiff,

vs.

CITY OF PEEKSKILL, WESTCHESTER
COUNTY, DAVID LEVINE, THOMAS
MCINTYRE, WALTER BROVARSKI, EUGENE
TUMOLO, JOHN AND JANE DOE
SUPERVISORS, DANIEL STEPHENS, LOUIS
ROH, AND MILLARD HYLAND,

Defendants.

No. CV-07-9488 (KMK)(GAY)

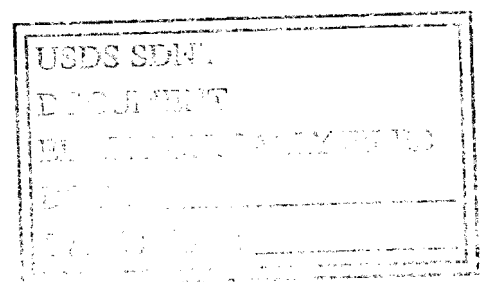
CITY OF PEEKSKILL,

Third-Party Plaintiff,

vs.

WESTPORT INSURANCE COMPANY as
successor-in-interest to NORTH RIVER
INSURANCE COMPANY,

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NORTH RIVER INSURANCE COMPANY,

TIG INSURANCE COMPANY as successor-in-interest to INTERNATIONAL INSURANCE COMPANY,

WESTPORT INSURANCE COMPANY as successor-in-interest to INTERNATIONAL INSURANCE COMPANY,

UNDERWRITERS AT LLOYD'S, LONDON,

CX REINSURANCE COMPANY LIMITED as successor-in-interest to CNA INTERNATIONAL REINSURANCE COMPANY,

CX REINSURANCE COMPANY LIMITED as successor-in-interest to CNA REINSURANCE OF LONDON, LIMITED,

SPHERE DRAKE INSURANCE PLC,

ILLINOIS UNION INSURANCE COMPANY,

UNITED NATIONAL INSURANCE COMPANY,

TRAVELERS INDEMNITY COMPANY as successor-in-interest to GULF INSURANCE COMPANY,

AMERICAN MOTORISTS INSURANCE COMPANY as successor-in-interest to AMERICAN PROTECTION INSURANCE COMPANY,

AMERICAN MOTORISTS INSURANCE COMPANY as successor-in-interest to SPECIALTY NATIONAL INSURANCE COMPANY,

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HARCO NATIONAL INSURANCE COMPANY,

ILLINOIS NATIONAL INSURANCE
COMPANY, and

MARKEL AMERICAN INSURANCE
COMPANY,

Third-Party Defendants.

~~PROPOSED~~ **AMENDED ORDER**

The Court has conferred with the Parties about settlement discussions, and it appears that there is a possibility that Plaintiffs' remaining claims against Defendants City of Peekskill, David Levine, Thomas McIntyre and Eugene Tumolo can be resolved through mediation. On September 19, 2011, the Court ordered that Plaintiffs Jeffrey Deskovic and Linda McGarr, Defendants City of Peekskill, David Levine, Thomas McIntyre and Eugene Tumolo, and certain Third-Party Defendants¹ be represented in person at a mediation to take place at a mutually agreed upon date by the parties, by representatives having full authority to resolve any and all claims and issues.² Certain Third-Party Defendants were not listed in the Court's September 19, 2011 Order and therefore the September 19, 2011 Order is amended to include all Third-Party Defendants.

¹ Gulf Insurance Company (Travelers Indemnity Company); Harco National Insurance Company (IAT Reinsurance Company Ltd.); Illinois Union Insurance Company (ACE USA); American Protection Insurance Company/American Motorist Insurance Company (Kemper); National Union Fire Insurance Company of Pittsburgh, PA (AIG); North River Insurance Company; Underwriters at Lloyd's London; United National Insurance Company; CNA Reinsurance of London, Ltd.

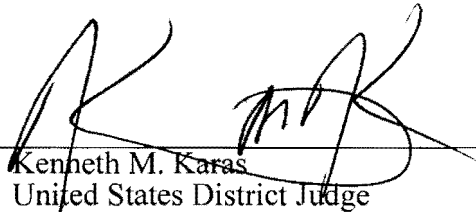
² The parties understand that for a settlement to be finally approved by the City of Peekskill, it will have to be approved by the Peekskill City Council subsequent to the mediation.

IT IS THEREFORE ORDERED that, Third-Party Defendants Westport Insurance Corporation as successor-in-interest to North River Insurance Company and as a successor-in-interest to International Insurance Company; North River Insurance Company; TIG Insurance Company as a successor-in-interest to International Insurance Company; Underwriters at Lloyd's, London; CX Reinsurance Company Limited as successor-in-interest to CNA International Reinsurance Company and CNA Reinsurance of London, Limited; Sphere Drake Insurance PLC; Illinois Union Insurance Company; United National Insurance Company; Travelers Indemnity Company as successor-in-interest to Gulf Insurance Company; American Motorists Insurance Company as successor-in-interest to American Protection Insurance Company and Specialty National Insurance Company; Harco National Insurance Company; Illinois National Insurance Company; and, Markel American Insurance Company (collectively, the "Third-Party Defendants") shall be represented in person at a mediation to take place at a mutually agreed upon date by the parties, by representatives having full authority to resolve any and all claims and issues.³

IT IS FURTHER ORDERED that counsel for Defendants shall immediately notify the above-named Third-Party Defendants of the entry of this Amended Order.

SO ORDERED.

Dated: White Plains, New York
November 2, 2011


Kenneth M. Karas
United States District Judge

³ The parties understand that for a settlement to be finally approved by the City of Peekskill, it will have to be approved by the Peekskill City Council subsequent to the mediation.